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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,302	01/22/2007	Thierry Campenon	290283US6PCT	6797
22850	7590	09/23/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER MCMAHON, MARGUERITE J				
ART UNIT		PAPER NUMBER		
3741				
NOTIFICATION DATE		DELIVERY MODE		
09/23/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/578,302

Applicant(s)

CAMPENON ET AL.

Examiner

Marguerite J. McMahon

Art Unit

3741

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 11-13, 15-20 and 22-31 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/22/07; 3/15/07; 2/13/07; 8/2/06.

DETAILED ACTION

Claim Objections

Claim 20 is objected to because of the following informalities: In line 3 of claim 20, the wording should include the use of molding as in "blow-extrusion molding" and "injection molding". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 16-19, 25, 26, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huddleston et al (4,819,833) in view of Denis et al (6,269,802). Note a fuel system for an engine operating with a liquid fuel and comprising a fuel reservoir 10 intended for the liquid fuel, an additive reservoir 15, said additive reservoir including a chamber formed in a concave recess of a wall of the fuel reservoir, wherein said concave recess is concave on a face of said wall that faces outside said fuel reservoir, a system for metering the additive from the chamber into the fuel reservoir, via openings 18, 19, the metering system including a pump 31, and an injector 40, a lid 3 hermetically attached to a peripheral edge of the concave recess so as to form the chamber. Huddleston et al show everything except forming the fuel reservoir, including the wall of the fuel reservoir that defines the recess, by blow-extrusion molding, a tube for filling the additive reservoir emerging in the tube for filling the fuel reservoir, and a

tube for degassing the additive reservoir emerging in the tube for filling the fuel reservoir.

Denis et al teach that it is old in the art to form a fuel reservoir by blow-extrusion molding (see claims 2 and 11). It would be obvious to one having ordinary skill in the art to modify Huddleston et al by forming the fuel reservoir by blow-extrusion molding, as this is a well known forming technique.

It would have been an obvious matter of design choice to employ a tube to fill the additive reservoir and a tube for degassing the additive reservoir, as this would have the expected and predictable result of allowing the reservoir to be filled without making a mess.

In addition, it would have been an obvious matter of design choice to couple the filling tube with the filling tube for the fuel reservoir, and to couple the degassing tube with the filling tube for the fuel reservoir as a matter of convenience, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Claims 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huddleston et al (4,819,833) in view of Denis et al (6,269,802) as applied to claim 11-13, 16-19, 25, 26, and 28-31 above, and further in view of Valentine et al (2003/0148235). Huddleston et al in view of Denis et al show everything except the fuel being diesel with a compression-ignition engine and the additive including a composition, dissolved in a hydrocarbon, of a catalyst for low-temperature combustion of carbonaceous solid particulates produced by incomplete combustion of diesel in the

engine. Valentine et al teach that it is old in the art to employ a diesel fuel with a compression-ignition engine and an additive including a composition, dissolved in a hydrocarbon fuel, of a catalyst for low-temperature combustion of carbonaceous solid particulates produced by incomplete combustion of diesel in the engine. It would have been obvious to one having ordinary skill in the art to modify Huddleston et al in view of Denis et al by employing a diesel fuel with a compression ignition engine and an additive including a composition, dissolved in a hydrocarbon, of a catalyst for low-temperature combustion of carbonaceous solid particulates produced by incomplete combustion of diesel in the engine, in order to reduce pollution and improve engine efficiency.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huddleston et al (4,819,833) in view of Denis et al (6,269,802) as applied to claim 11-13, 16-19, 25, 26, and 28-31 above, and further in view of Burke et al (2004/0099309). Huddleston et al in view of Denis et al show everything except the lid being manufactured by injection molding. Burke et al teach that it is old in the art to manufacture the lid by injection molding (see paragraph 20). It would have been obvious to one having ordinary skill in the art to modify Huddleston et al in view of Denis et al by employing a fuel reservoir lid formed by injection molding, as this is a conventional forming technique for fuel reservoir components.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huddleston et al (4,819,833) in view of Denis et al (6,269,802) as applied to claim 11-13, 16-19, 25, 26, and 28-31 above, and further in view of Delbarre (2003/0198768).

Huddleston et al in view of Denis et al show everything except the wall of the fuel reservoir that defines the recess comprising a multi-layer structure including a stack of layers, wherein the layers include layers of high density polyethylene. Delbarre teach that it is old in the art to form the fuel reservoir wall of a multi-layer structure including a stack of layers, wherein the layers include layers of high density polyethylene (see paragraph 14). It would have been obvious to one having ordinary skill in the art to modify Huddleston et al in view of Denis et al by forming the fuel reservoir of multiple layers including high density polyethylene. In addition it would have been an obvious matter of design choice to employ vinyl polyhalide, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 11-20 and 22-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 571-272-4848. The examiner can normally be reached on Monday- Friday, 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cuff can be reached on 571-272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marguerite McMahon
Primary Examiner
Art Unit 3741

/Marguerite McMahon/
Primary Examiner, Art Unit 3741

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